

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
KIRAN VUPPALA, :
:
Plaintiff, : 22-CV-10451 (VSB)
-against- :
:
FRED PERRY USA, INC. and 55 WOOSTER :
LLC, :
:
Defendants. :
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ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on December 9, 2022, (Doc. 1), and filed affidavits of service on January 14, 2023, (Docs. 7, 8). The deadline for Defendants to respond to Plaintiff's complaint was January 17, 2023. (*See* Docs. 7, 8.) On January 19, 2023, I directed Plaintiff to seek default judgment by no later than February 2, 2023. (Doc. 9.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss Plaintiff's claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendants have not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: February 3, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge